

**DECLARATION AND POWER OF ATTORNEY**

(For Use with Application Data Sheet)

Title Of Invention	ENGINE LAG DOWN SUPPRESSING DEVICE OF CONSTRUCTION MACHINERY
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

X The attached application, or,  
X The application which was filed as PCT International Application Number  
PCT/JP2004/012759 on August 27, 2004.  
       Application No.                     , filed on                     ,  
       as amended on                      (if applicable);

I believe that I am the original, first and sole inventor (if only one name is listed below) or  
an original, first and joint inventor (if plural names are listed below) of the subject matter  
which is claimed and for which a patent is sought.

I/we have reviewed and understand the contents of the above-identified application,  
including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all  
information known to me/us to be material to patentability as defined in 37 CFR 1.56,  
including material information which became available between the filing date of the prior  
application and the National or PCT International filing date of the continuation-in-part  
application, if applicable;

I/we hereby appoint the practitioners at CROWELL & MORING L.L.P., whose Customer  
Number is:

**23911**

as my/our attorneys to prosecute the application identified above, and to transact all  
business in the United States Patent and Trademark Office connected therewith; and

All statements made herein of my/our own knowledge are true; all statements made herein  
on information and belief are believed to be true, and further these statements were made  
with the knowledge that willful false statements and the like are punishable by fine or  
imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the  
application or any patent issuing thereon.

FULL NAME(S) of INVENTOR(S)

Signature: Yoichi Kowatari  
Inventor one: Yoichi KOWATARI  
Citizen of: Japan

Date: Mar. 28, 2006

Signature: Yasushi Arai  
Inventor two: Yasushi ARAI  
Citizen of: Japan

Date: Mar. 28, 2006

Signature: Kouji Ishikawa  
Inventor three: Kouji ISHIKAWA  
Citizen of: Japan

Date: Mar. 28, 2006X Additional Inventors on Attached sheet if checked

FULL NAME(S) of INVENTOR(S)

Signature: Kazunori Nakamura  
Inventor four: Kazunori NAKAMURA  
Citizen of: Japan

Date: Mar. 28. 2006

Signature: Nobuei Ariga  
Inventor five: Nobuei ARIGA  
Citizen of: Japan

Date: Mar. 28. 2006

Signature: Hideo Karasawa  
Inventor six: Hideo KARASAWA  
Citizen of: Japan

Date: Mar. 28. 2006

Signature: Yuuki Gotoh  
Inventor seven: Yuuki GOTOU  
Citizen of: Japan

Date: Mar. 28. 2006

Signature: Motoyuki Yabuuchi  
Inventor eight: Motoyuki YABUUCHI  
Citizen of: Japan

Date: Mar. 28. 2006